

**MINUTES OF A MEETING
OF THE
BOARD OF ADJUSTMENT
OF THE
TOWN OF BUENA VISTA, COLORADO
June 9, 2009**

CALL TO ORDER

A meeting of the Board of Adjustment was called to order at 6:34 PM, Tuesday, June 9, 2009, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Joel Benson, Robert Flint, Keith Baker, Mark Boston, Norm Nyberg, Brett Mitchell, Town Administrator Sue Boyd, Town Attorney Lee Phillips and Town Clerk Diane Spomer.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

NEW BUSINESS

PUBLIC HEARING – TO CONSIDER AN APPEAL REQUEST FROM THE ARK VALLEY HUMANE SOCIETY ON THE DENIAL OF A TEMPORARY USE PERMIT BY THE TOWN ADMINISTRATOR

Mayor Russell opened the Public Hearing at 6:35 PM to hear an appeal from the Ark Valley Humane Society on the denial of a Temporary Use Permit by the Town Administrator and noted the hearing is being conducted pursuant to Section 16-43 of the Buena Vista Municipal Code. Keith Krebs, 12977 CR 261C, Nathrop, Ark Valley Humane Society Board of Directors, provided background information on the non-profit and the services they provide with limited resources; noted the subject area is an industrial area with no residential uses; the facility is in need of space for feline intake and has a "no kill policy"; the cat portion of the facility is in "critical" condition. The Humane Society is asking for short-term housing for cats during the critical time of year and propose a construction trailer (modular) for animal storage. Keith noted there was no need to hook-up to water and sewer service and to maintain public health and sanitation; all the water and cleaning will be taken from the main building which is connected to Town water; lighting, heat and cooling will be provided; former Town Planner Kaiser approved the plan in March, 2009, she has since left and no permit was signed; phone calls followed in getting the process to follow; he met with staff and he was asked to present a landscape plan to P&Z which was approved unanimously, they supported the project and encouraged staff to expedite the process and it did not happen and asked Council for approval of his request.

Town Administrator Boyd stated most of his statements are correct and outlined two critical points: 1) letter from Bev Kaiser constituted approval (letter noted it needs to comply with all zoning requirements). Section 13-243 (a) notes a building structure or facility of any nature that uses water is required to hook up to water and sewer, staff consulted with Mr. Paradise (Building Official) and this is a building that is a hard case. The non-profit is doing good work in the community but there is no exception in the code for such an organization. 2) A temporary structure is proposed for 2-5 years and the code contemplates a temporary use of 6 months.

Keith Krebs requested the Board consider the building temporary in nature, stated they paid extra for tie-downs and the building meets wind load requirements; the letter was not an approval letter but it noted the building complied with zoning. Keith noted reasons why they did not need water fixtures; the Society got approval via mill levy through electors to keep their doors open; their primary source of funding is through grants, donations and this is to work toward a permanent facility to be built later in time and a way to work on limited funds.

Mayor Russell closed the comment portion of the hearing at 6:49 PM.

Discussion held on no plumbing in the trailer; maintenance is controlled by PACFA (Pet Animal Care

Facility Act); water bowls are filled with the spicket in the main building; building is similar to the airport temporary trailer; Ark Valley is hooked in via the main building; this is a temporary solution until they get a permanent building. Town Attorney Phillips stated water will be used in the building and the appellant states it will also. The building does not have to be plumbed; there is a huge necessity in the area for the Ark Valley Humane Society.

Motion #1 by Trustee Nyberg, seconded by Trustee Flint, to allow Ark Valley Humane Society the use of a temporary facility for their feline population without water going to the building. Discussion held on a five year provision.

Trustee Nyberg amended his motion, seconded by Trustee Flint, to include the 5 year window. Motion carried.

ADJOURNMENT

Motion #2 by Trustee Boston, seconded by Trustee Mitchell, noting that there being no further business to come before the Board declared that the meeting be adjourned at 6:57 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer